

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

REGINA M. WAGNER,

Plaintiff,

v.

Case No. 15-11553
Hon. Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY
CAROLYN W. COLVIN,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
and
DISMISSING ACTION**

This matter is before the Court on Magistrate Judge Patricia T. Morris' Report and Recommendation. **[Doc. No. 19, filed March 22, 2016]** To date, no Objections have been filed to the Report and Recommendation and the time to file such has passed.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a de novo review. The district court may not resolve

conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. The Court agrees with the Magistrate Judge that although Plaintiff had severe impairments, Plaintiff did not have an impairment or combination of impairments that met the listed impairments as required in step three of the five-step sequential evaluation of the evidence. The Court also agrees that the Magistrate Judge that Plaintiff had the residual functional capacity to perform light work and that Plaintiff was able to return to her past relevant work as either a housekeeper or cashier. The Court further agrees with the Magistrate Judge's conclusion that the ALJ's findings were supported by substantial evidence in reaching the conclusion that Plaintiff is not disabled under the Act. The Magistrate Judge thoroughly reviewed the ALJ's findings and the record in reaching her conclusion. The Court accepts the Magistrate Judge's Report and Recommendation as this Court's findings of fact and conclusions of law that Plaintiff is not disabled under the Act.

For the reasons set forth above,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Patricia T. Morris [**Doc. No. 19, filed March 22, 2016**] is **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Doc. No. 17, filed August 5, 2015**] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [**Doc. No. 18, filed August 17, 2015**] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

s/Denise Page Hood
Denise Page Hood
Chief Judge, United States District Court

Dated: April 29, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 29, 2016, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager